

Foreign Military Sales Major Arms Sales Notification Process (Sec. 36(b), AECA)



Business Operations-Comptroller, Operations and Administration

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17 May 2005



Major Arms Sales Notification of Foreign Military Sales



- **Section 36(b) of the Arms Export Control Act (AECA) requires the President to give Congress advance written notification of the intent to sell defense articles, equipment and services.**
 - **15 days prior notification for NATO, Japan, Australia, and New Zealand for**
 - **Major Defense Equipment (MDE) valued at \$25M;**
 - **Defense articles or services \$100M;**
 - **Design and construction services valued at \$300M.**
 - **30 days prior notification for all other countries for**
 - **MDE valued at \$14 million or more;**
 - **Defense articles or services with a total value of \$50 million;**
 - **Design and construction services of \$200 million or more.**



Major Arms Sales Notification of Foreign Military Sales



- **In 1976, Defense Security Cooperation Agency (DSCA) began providing an additional non-statutory 20-day advance notification to Congress for all countries except for NATO, Japan, Australia, and New Zealand.**
- **Pre-consultations scheduled by State Department Legislative Affairs may occur before the notifications are provided to Congress.**
- **DSCA prepares and delivers the notifications to Congress only with the approval of the State Department Political-Military Bureau.**



Congressional Notification Timeline



- **Country forwards Letter of Request to Military Departments (MILDEP)**
- **MILDEP forwards the Classified 36(b) input to Defense Security Cooperation Agency (DSCA)**
- **DSCA coordinates within Office Secretary of Defense/DSCA**
- **After coordinations and signature, DSCA forwards to State Department**
 - **At this time, State starts the pre-consultation period (no time limit)**
- **State Department coordinates internally and externally**
 - **During this period, State sends the notification to the Congressional staffers**
 - **After the pre-consults, State sends the 20-day Advance/Informal (or the 15-day Formal) Congressional approval to DSCA**
- **If Congress is not in recess,**
 - **DSCA forwards 20-day Advance/Informal Congressional document for signature and delivery to Congress.**



Congressional Notification Timeline



- **DSCA forwards the 15-day Formal Congressional document for signature and delivery to congress.**
- **After the formal notification is forwarded to Congress, the MILDEP can revise all documents to Unclassified (when appropriate) and forward a draft Letter of Offer and Acceptance (LOA) to Country.**
- **Once the 15/30-day Formal notification period is up, the MILDEP can forward the LOA to DSCA for processing.**



2005 Congressional Recess Schedule



YEAR 2005 CONGRESSIONAL RECESS SCHEDULE 109th Congress, First Session

JANUARY							FEBRUARY							MARCH							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
2	3	4*	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12	
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	
23	24	25	26	27	28	29	27	28						27	28	29	30	31			
30	31																				
APRIL							MAY							JUNE							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
					1	2	1	2	3	4	5	6	7				1	2	3	4	
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30			
JULY							AUGUST							SEPTEMBER							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
					1	2			1	2	3	4	5	6					1	2	3
3	4	5	6	7	8	9	7	8	9	10	11	12	13		4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30*		
31																					
OCTOBER							NOVEMBER							DECEMBER							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
						1			1	2	3	4	5					1	2	3	
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	
30	31																				

- Scheduled non-legislative periods (out of session), restricts the periods during which formal notifications may be submitted to Congress.

Congress Convenes
Martin Luther King Recess
President's Day Recess
Spring Recess
Senate Recess
Memorial Day Recess
Independence Day Recess
August/Labor Day Recess
TARGET ADJOURNMENT

HOUSE
4 Jan
7-21 Jan
21-25 Feb
21 Mar - 1 Apr

30 May - 3 Jun
4-8 Jul
1 Aug - 5 Sep
30 Sep

SENATE
4 Jan
7-21 Jan
21-25 Feb
21 Mar - 1 Apr
2-6 May
30 May - 3 Jun
4-8 Jul
1 Aug - 5 Sep
30 Sep

Red Line-RED Dates (Non-Legislative Periods)

Blue Highlight-START/FINISH Dates

Yellow Highlight-SENATE (Non-Legislative Periods)

**Subject to change 01.05.05 JFAME:sc

UNCLASSIFIED



Public Notice



- **Once Congress has been notified of a proposed arms sale under Section 36(b) AECA, the President must publish an unclassified version of the notification on the Federal Register:**
 - **Federal Register web page:**
<http://www.gpoaccess.gov/fr/advanced.html>
- **Copies of DSCA Press Releases are posted on the web page (<http://www.dsca.mil>)**